

SUBDIVISION AND DEVELOPMENT APPEAL BOARD – AGENDA REPORT

Meeting Date:	20 February 2025
Subject:	Appeal of Decision for PL 2402262
Boards Routed Through:	N/A
Date:	N/A

Issue:

Administration is presenting a development permit application for "Cannabis Retail" at 600-705 Main Street South to the Subdivision and Development Appeal Board (SDAB).

Background:

Development Application and Development Authority

Yasmita Engineering Ltd. applied for a "Cannabis Retail" use in Unit 600 of 705 Main Street South (Towerlane Centre), which Administration deemed complete on November 22, 2024.

Acting as the Development Authority under Section 7.10(3) of Land Use Bylaw No. B-01/2016, Administration refused the application on January 20, 2025 for reasons cited in Attachment 1.

Since the refusal, the applicants have made changes to the storefront façade to reduce its visual prominence. They have also confirmed that the business will not be included on pylon signs for the subject property, and that they will not use A-frame ("sandwich board") signs either. Administration is satisfied with these amendments, subject to the following provisions:

- 1. The use of glazing or translucent materials on the doors and windows are limited to just a portion of the total area (respecting Crime Prevention Through Environmental Design Principles, CPTED);and,
- 2. The fascia sign is in keeping with the size of the previous tenant sign and is not backlit, (in keeping with the state of the previous tenant sign)

Administration presents the revised application to the SDAB for consideration (Attachment 2), along with a list of potential approval conditions (Attachment 3) with these restrictions.

However, the SDAB retains the autonomy to review the application *de novo* and render a decision as the Development Authority, should it so choose.

Policy Review

The subject property falls under the Area Redevelopment Plan (ARP) known as "*Our Core Strategy: Airdrie's Downtown Revitalization Plan*" and the Downtown Core Mixed Use District (M3) in Land Use Bylaw No. B-01/2016.

Our Core Strategy

The 'ARP Development Concept' found in Section 2 of *Our Core Strategy* identifies the subject parcel to have high-intensity mixed-use – transitioning to low-intensity mixed use. The parcel to the south is defined as an institutional/catalytic site (known as "Inspire"), which includes Community Service, Public Educational Institutional, Office, and General Public Assembly uses.

With respect to the relationship of uses, the policy language in Our Core Strategy is intentional in deciding not to cluster specific land uses, or create "character areas". Per the preamble found in Section 2.02 – Downtown Land Uses:

"[T]here are challenges in pairing market forces with the desired uses, which is part of the reason that major redevelopment has not happened so far. Also, there are few clear lines for specific land use clusters (e.g., a Theatre District) within the plan area. As such, the focus of this section is to market the competitive advantages of this area to willing partners, rather than directing specific types of land uses to the area."

There are no direct policy references to the types of land uses that are to be encouraged or restricted in Section 2.02, and considerable freedom for the design and densities of uses generally throughout Section Two: Development Form.

However, *Our Core Strategy* does provide direction for the foundational concept of *Active Frontage* for all development, and lists twelve elements to achieve this – including a subset for Building Design. Per the first such element:

Buildings should apply a comprehensive and cohesive design, with massing and architecture working together and considering the building's relationship with surrounding spaces and developments. Readers should note that this does not imply that building designs should be 'the same as' the surrounding development – *in fact, there are certainly circumstances where unique design styles and elements are supported or even encouraged* – but any design should still relate to its surrounding environment.

[emphasis added by report author]

This guidance is to be used in conjunction with the policies specific to the Towerlane Centre in Section 2.13, which note that redevelopment of the Towerlane Centre:

- 1(b) Shall integrate with the adjacent properties and the downtown generally, to the satisfaction of the Development Authority;
- 1(d) Should provide a variety of retail, professional and entertainment services, as well as other commercial and office land uses deemed acceptable to the Development Authority; and,

3(c) Shall coordinate with the development of the new library on the gateway parcel to the south, and limit retail conflicts, to the extent that they are proposed as ancillary or complementary uses in the new library.

There are complementary requirements in Section 2.07 – Civic Development Catalysts,:

2(a) Civic development investments shall be located and designed with the intent to promote investment on adjacent properties, and shall coordinate with adjacent owners to determine opportunities to integrate developments and land use types, where appropriate.

This policy suggests mutual effort to avoid conflict between adjacent land uses (including leasing opportunities at "Inspire") as a minimum, and for mutual benefit as aspirational intent.

Land Use Bylaw No. B-01/2016

The Land Use Bylaw provides more detailed regulations for the implementation of Council's development objectives, and several provisions have bearing on this application:

- Section 1.13: **Adjacent** refers to those lands or portions of land that are next to the parcel of land that is typically in reference to a Development Permit or a subdivision application, and includes lands that would be next to the parcel if not for an easement, right-of-way, or natural feature (e.g., public thoroughfare, stream, pipeline, public utility lot, powerline, railway).
- Section 2.1.2(7)(c): The Development Officer shall make decisions on Development Permit applications for changes of use in a bay, building, or a portion of a site, except for Change of Use applications to a Cannabis Retail or Cannabis Facility land use.
- Section 7.10(3): The Development Officer shall make decisions on Development Permit applications where the site is within the lands shown in Diagram 2.
- Section 6.6.2(6): A Cannabis Retail use shall be considered a sensitive land use and shall meet the requirements and standards outlined under Section 7.18 (Interface and Buffering Conditions).
- Section 7.18(4): Where a development for a sensitive land use is proposed to be located within 60 metres (measure from property boundary to property boundary) of the following uses, the Development Authority shall consider the context of the surrounding area and shall not approve the application unless it can show that the sensitive land use, including any proposed mitigation measures to address potential land use impacts, is compatible with surrounding land uses:
 - (a) Residential use
 - (b) Public Assembly
 - (c) Community Service Facility
 - (d) Child Care Facility
 - (e) Recreational Facility
 - (f) Supportive Housing
 - (g) Educational use; and,
 - (h) The same or similar use

Section 7.18(6): The Development Authority, in consideration of the interface conditions between sensitive land uses may require mitigation of potential impacts on the adjacent lands, including the following:

- a) Visual impact including building orientation, screening, landscaping, view-shed analysis and signage;
- b) Noise impacts including landscaping, noise attenuation, and building materials;
- c) Hours of operation of the use;
- d) Concentration of similar uses in the surrounding area; and,
- e) Accommodation of parking and vehicle circulation, including service vehicles, garbage collection, or similar activities.

Administration's Interpretation of Section 7.10(3)

Administration interprets Section 7.10(3) as to provide the Development Officer with the authority to render decisions on all Development Permit applications within the ARP and CRL boundaries. This authority stands unless the Development Officer specifically chooses to defer the decision to the Municipal Planning Commission (now the role of the Community Infrastructure and Strategic Growth Standing Committee, CISG).

Administration believes that Council's specific intent in the amending bylaw is to expedite development decisions in the greater downtown area so as to accelerate redevelopment and maximize the value of the Community Revitalization Levy legislation. The directive for decisions within 10 days as a development incentive is more easily accomplished by the Development Officer who is not beholden to a specified public meeting schedule. As such, the Development Officer reviewed the application and made the initial decision.

Cannabis Retail as a Sensitive Use

Section 6.6.2 explicitly states that Cannabis Retail is a sensitive land use that <u>must</u> comply with the provisions of Section 7.18. According to Section 7.18(4), the Development Authority <u>shall not</u> approve a sensitive land use (Cannabis Retail in this case) located within 60 metres of the uses listed in subsections (a) through (h) <u>unless</u> the application can prove compatibility with those listed uses. Administration interprets this to mean that the onus is on the applicant to prove compatibility.

Definition of "Adjacent" and Compatibility Test

Per the definition of "adjacent" in Section 1.13 of the Land Use Bylaw, the proposed bay (identified as Amenity 13 in the 'Site Plan' in Attachment 3) is located in a commercial property that is adjacent to both a Community Service use (Inspire) to the south and an adjacent Residential Use to the west (separated only by a natural feature/stream). This is well within 60 metres, measured from property line to property line (see Attachment 4).

The adjacency of the "sensitive use" (Cannabis Retail) to these uses triggers the compatibility test generally outlined in Section 7.18(6) of the Land Use Bylaw.

Analysis and Rationale for Refusal

Section 7.18(3) of the Land Use Bylaw provides a list of Sensitive Land Uses for which there is an inherent assumption that there will be off-site impacts. The Development Authority determines these impacts based on the context of the application and its surroundings. The type and degree of impact may vary according to the type of Sensitive Land Use. That is, the Development Authority may not necessarily find the same type/degree of land use impacts from Adult Entertainment, as from a Drive Through, as from a Pawn Shop, as from a Cannabis Retail use, etc.

However, the onus to prove compatibility under the regulations of Section 7.18(6) for the uses listed in Section 7.18(4) rests with the applicant, and <u>must</u>, in the opinion of the Development Authority, warrant exception for the placement of the Sensitive Use within 60m of those listed uses. An applicant for a Cannabis Retail location must also comply with the standards set out in Section 6.6.2(1) through Section 6.6.2(5) and Section 6.6.2(7).

The Development Officer reviewed the applicant submission (Attachment 5) for compliance with subsections 6.6.2(1) to 6.6.2(5), and found it to be in keeping with the regulations. The Development Officer found the same for Section 6.6.2(7).

However, the Development Officer did not find the submission to provide a compelling reason to warrant approval using the test of Section 7.18(6). Specifically, the Development Officer determined that with respect to the potential visual impact areas listed in Section 7.18(6)(a):

- the selected bay for the proposed Cannabis Retail use is very proximal to the Community Service use (Inspire), especially as measured from the property line;
- the orientation of the building containing that bay puts the Cannabis Retail use in plain view and easy connection to the Community Service use and the Residential Use (including pathways along Nose Creek and the vehicular entry point to Inspire);
- the view of the proposed Cannabis Retail use to patrons of the Community Service use (Inspire) would be prominent; and,
- signage would involve prominence on the perimeter pylon sign for the complex and on the fascia for the bay.

The Development Officer refused the application due to the lack of compelling mitigative measures to address these impacts.

Since the refusal, the applicant has identified to the Development Officer a willingness to accept conditions that specify adherence to a façade meant to reduce prominence, employ fascia signs without backlighting, restrict "A-frame" (sandwich boards), and prohibit placement of the company name (Bud Mart) on the pylon sign for the complex (Towerlane Centre). The applicant also noted that the closest walking distance to Inspire at 278m, and over 300m to the nearest residential uses.

With this, Administration is prepared to support the application in accordance with the conditions listed in Attachment 3. However, the Development Officer is not empowered to reverse or alter a decision once made. Pursuant to Section 2.4.8 of the Land Use Bylaw, the submission of another application for the same or similar use on the same parcel, by any

applicant, may not be made for a period of six (6) months from the date of issuance of the decision.

Additional Observations

There are presently 19 Cannabis Retail locations operating in Airdrie, with virtually all located within 60m of a use listed in Section 7.18(4). However, the Development Authority approved the majority of these prior to the adoption of Bylaw No. B-62/2021, which:

- identified Cannabis Retail as a Sensitive Land Use;
- updated the standards in Section 6.6.2; and,
- established the test found in Section 7.18(6).

The adoption of Bylaw No. B-62/2021 did not necessarily make each of these locations *legal, non-conforming uses*. However, it did allow for the Development Authority to engage in a more rigorous application test for the same or similar Sensitive Land Use, if one of these existing Cannabis Retail use locations were discontinued for more than six months. The size of some commercial locations brings this potential test to bear more significantly than others. Specific to this application, the size of the subject parcel (Towerlane Centre South) ensures that it has a greater propensity to be adjacent to the uses listed in Section 7.18(4). This may have a disproportional impact on some commercial properties and instigate the need to mitigate for Sensitive Land Uses more frequently despite a great physical distance from an adjacent use, but a minimal distance from the property line.

Alignment with AirdrieONE:

There are no direct provisions of AirdrieONE specific to this development application.

Boards Routed Through:

N/A

Alternatives/Implications:

The Subdivision and Development Appeal Board has the option to:

- a) Approve the revised application, subject to the condition list found in Attachment 3 (or as modified at their discretion); or,
- b) Review the application *de novo* and render a decision of its choosing.

Stephen Utz, RPP, MCIP Director, Strategic Growth & Investment

Presenter: Department: Reviewed by: Attachments:	Stephen Utz, RPP, MCIP Strategic Growth & Investment N/A Attachment 1: Development Authority Decision Attachment 2: Revised Development Approval Conditions Attachment 3: Potential Development Approval Conditions
	Attachment 3: Potential Development Approval Conditions Attachment 4: Land Uses within 60m of Sensitive Land Use Attachment 5: Applicant Submission for LUB Compliance



Current Planning 400 Main Street SE, Airdrie, AB T4B 3C3 Phone: 403.948.8832 Email: planning@airdrie.ca www.airdrie.ca/planning

ATTACHMENT 1: DEVELOPMENT AUTHORITY DECISION

Date Printed: January 20, 2025

YASMITA ENGINEERING LTD. 363 FALMERE ROAD NE CALGARY , AB T3J 2Z5

NOTICE OF DECISION

Application Number: PL2402262 Refused Use: Cannabis Retail (Bud Mart) @ Towerlane Centre

Property Address 600, 705 MAIN STREET SW, AIRDRIE, AB Legal Description Lot: 6, Block: 1, Plan: 811 0225

Dear Applicant,

The Development Authority has reviewed your Development Permit application for an Cannabis Retail (Bud Mart) @ Towerlane Centre. At that time, your application was **REFUSED** for non-compliance with the following sections of the City of Airdrie Land Use Bylaw B-01/2016:

Land Use Bylaw B-01/2016

Cannabis Retail

- <u>Section 6.6.2 (6)</u>: A Cannabis Retail use shall be considered a sensitive land use and shall meet the requirements and standards outlined under Section 7.18 (4) (Interface and Buffering Conditions).
- <u>Rationale</u>: The proposed use does not meet the requirements and standards outlined under Section 7.18 (4) (Interface and Buffering Conditions).

Interface and Buffering Conditions

- <u>Section 7.18 (4)</u>: Where a development for a sensitive land use is proposed to be located within 60 metres (measured from property boundary to property boundary) of the following uses, the Development Authority shall consider the context of the surrounding area and shall not approve the application unless it can show that the sensitive land use, including any proposed mitigation measures to address potential land use impacts, is compatible with surrounding land uses:
 - a) Residential use;
 - b) Public Assembly;
 - c) Community Service Facility;
 - d) Child Care Facility;
 - e) Recreational Facility;
 - f) Supportive Housing;



- g) Educational use, and;
- h) The same or similar use.
- Rationale:The proposed Subject Site abuts the new City of Airdrie Library and Multi-Use Facility.'Inspire' is an approved Community Service Facility land use that was under construction
prior to the submission of this application. The proposed development does not sufficiently
address how it will mitigate potential land use impacts with a new public facility programmed
for youth, educational, community gathering, and recreational purposes.

The proposed development is also adjacent (per Section 1.13) to residential lots on the west side of Nose Creek, for which mitigation is required from the proposed sensitive land use.

According to Section 2.7.2 of the Land Use Bylaw B-01/2016, you have the right to appeal this decision to the Subdivision and Development Appeal Board (SDAB) by filing a <u>Notice of Appeal form</u>, together with the applicable fee within twenty-one (21) days from the date of this letter, January 20, 2025.

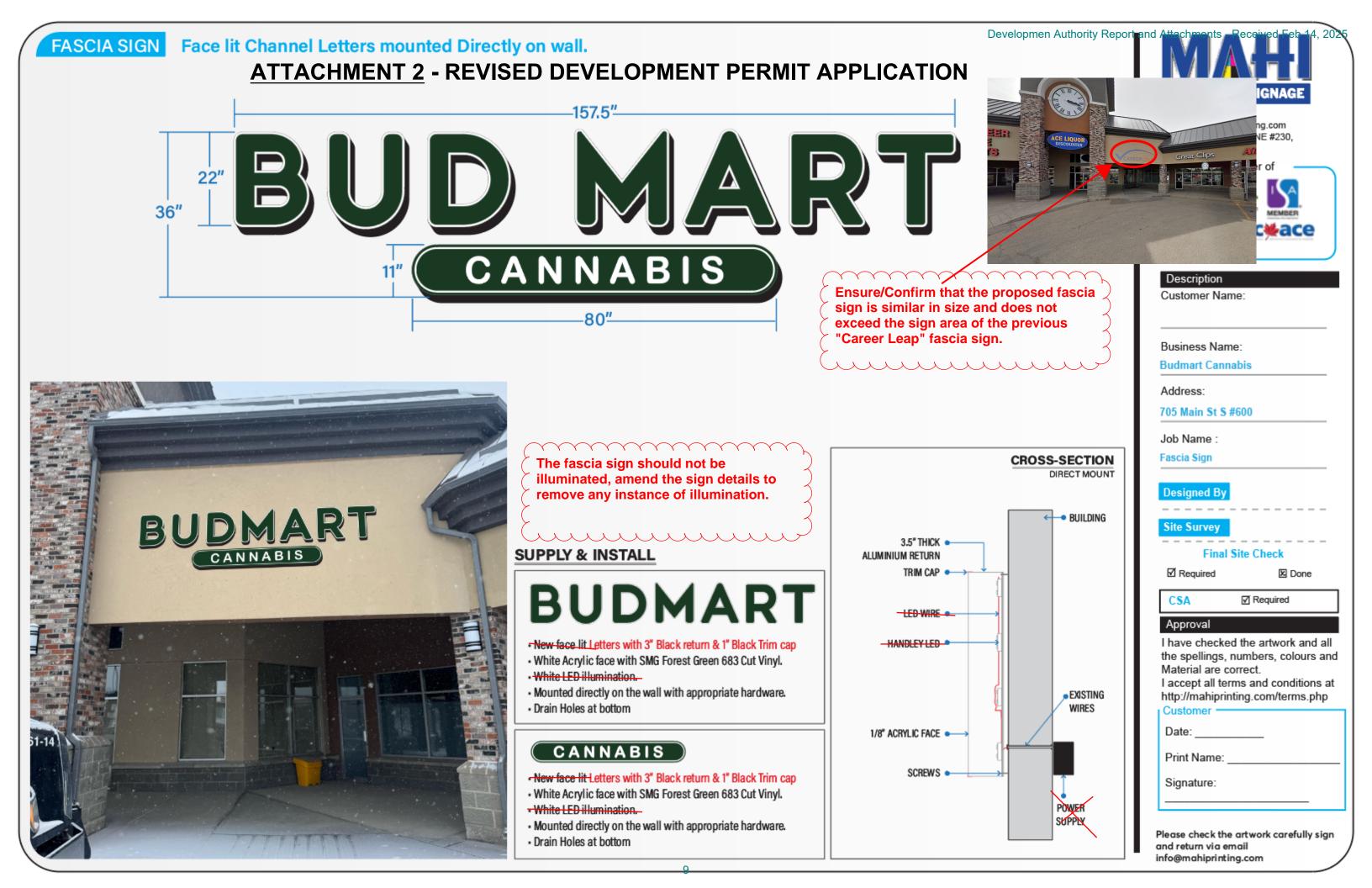
Please be advised that when a Development Permit has been refused by the Development Authority or on appeal by the SDAB, the submission of another application for the same or similar use on the same parcel of land may not be made by the applicant for a period of six (6) months from the date of the refusal.

If you have any questions, please get in touch with the file manager, Terence Santiano at <u>Terence.Santiano@airdrie.ca</u> or 403.948.8800 ext.8611.

For more information about filing an appeal, visit <u>www.airdrie.ca/sdab</u> or contact the Subdivision and Development Appeal Board (SDAB) clerk at 403.948.8816 or appeals@airdrie.ca.

Yours truly,

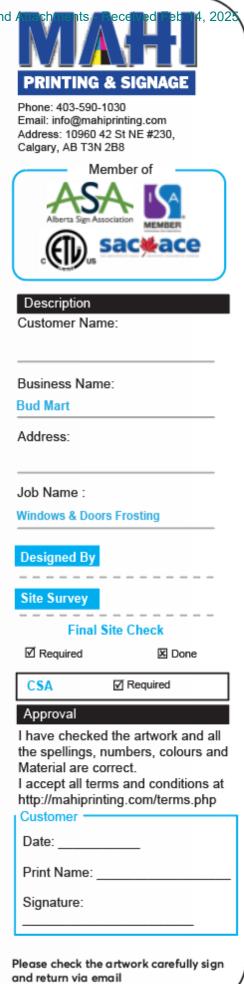
Stephen Utz RPP, MCIP Director of Strategic Growth and Investment City of Airdrie





10

Developmen Authority Report and



info@mahiprinting.com



ATTACHMENT 3: POTENTIAL DEVELOPMENT APPROVAL CONDITIONS

Application Number: PL2402262

Approved Use: Cannabis Retail (Discretionary)

Property Address 600, 705 Main Street SW, Airdrie, AB

Legal Description Lot: 6, Block: 1, Plan: 811 0225

Conditions of Approval

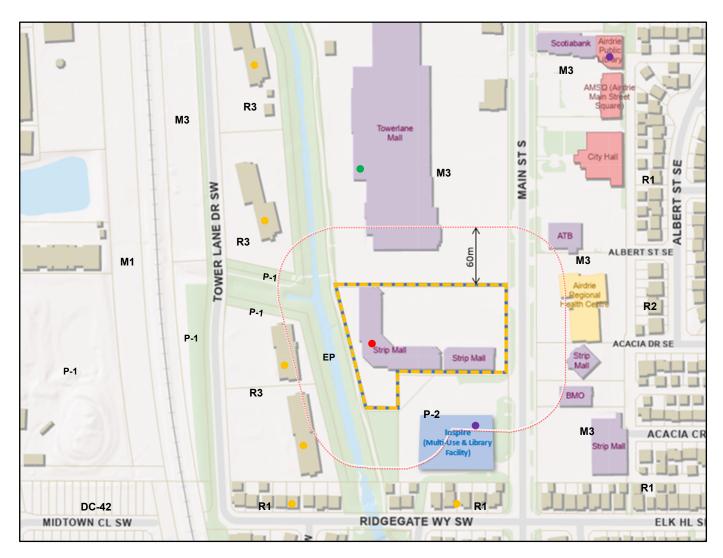
- This development permit authorizes the development of Cannabis Retail (Retail Sale of Cannabis and Cannabis Related Products) which is a Discretionary Use in the Downtown Core Mixed Use (M3) District, on the lands legally described as Lot 6; Block 1; Plan 811 0225.
- 2. All development, including the location, orientation, capacity, intensity, and use of buildings and any landscaping and site improvements, must be completed in accordance with Approved Plans.
- 3. Any changes to the design, format, location, orientation, capacity, intensity, or use of any part of the development requires approval by the Development Authority.
- 4. The Developer shall be required to adhere to the approved Storefront Façade plans ("Windows & Doors Frosting" and "Fascia Sign").
- 5. "The applicant shall install and maintain appropriate screening measures, such as window coverings, privacy film, or interior partitioning, to minimize visibility into the premises from adjacent public sidewalks, and streets. The screening measures shall comply with all applicable municipal and provincial regulations and must be approved by the Development Authority prior to occupancy."
- 6. The Developer shall be prohibited from installing any signage pertaining to the Cannabis Retail business on all pylon signs associated with the Towerlane Commercial complex.
- 7. The Developer shall be prohibited from using A-Frame ("Sandwich Board") Signs.
- The Developer shall provide FOUR [4] on-site parking stalls as indicated on the Approved Plan. All parking stalls shall be hard surfaced with asphalt pavement, concrete or other similar paving material.
- 9. All development must be carried out in accordance with the Land Use Bylaw and the Engineering Standards.
- 10. The Developer shall provide ONE [1] loading stall.
- 11. The area around the construction site shall be kept clear of equipment and debris, and construction materials, including garbage, shall be stored so as not to create a nuisance to neighbouring properties.



Advisory Comments

- a) The Developer is responsible for complying with all relevant municipal, provincial, and federal legislation.
- b) All other necessary permits and inspections are the responsibility of the applicant including, but not limited to, Building Permits and Fire Approval and shall be submitted to the City as required. Please contact the Building Department at 403-948-8832 and/or the Fire Department at 403-948-8880.
- c) The Developer shall contact utility providers (gas, electric, telecommunications) and arrange for utilities to be installed or relocated in accordance with the utility provider requirements, at the Developer's sole cost.

Developmen Authority Report and Attachments - Received Feb 14, 2025 <u>ATTACHMENT 4</u>: LAND USES WITHIN 60m of SENSITIVE LAND USE NOT TO SCALE



<u>Legend</u>

Subject Site:	
Subject Unit (Sensitive Use per Sec. 7.18(3))	•
60m Radius (Interface Distance per Sec. 7.18(4))	

Surrounding Land Uses (Uses Sensitive to Cannabis Retail per Sec. 7.18(4))		
Residential Use:	•	
Public Assembly:	•	
Community Service Facility:	•	
Child Care Facility:	n/a	
Recreational Facility:	n/a	
Supportive Housing:	n/a	
Educational use:	n/a	
The same or similar use:	n/a	

Subject Site/Unit Details

Municipal Address: 705 Main Street South Unit Number: 600 Legal Description: Lot 6; Block 1; Plan 811 0225 Unit Status: Currently vacant



Land Use Districts

(City of Airdrie Land Use Bylaw No. B-01/2016)

- R1: Single Detached Residential District
- R2: Low Density Residential District
- R3: Low-Rise Multifamily District
- M1: Neighbourhood Mixed Use District
- M3: Downtown Core Mixed Use District
- P-1: Public Open Space District
- P-2: Public Facilities District
- EP: Environmental Protection District

ATTACHMENT 5: APPLICANT SUBMISSION FOR LUB COMPLIANCE

Rationale Letter: Compliance with Section 6.6.2 and Section 7.18 of the Land Use Bylaw for Cannabis Retail Development Permit

Date: January 14 2025

To: Development Authority, City of Airdrie

Subject: Development Permit Application for Cannabis Retail Store at Tower Lane

Dear Development Authority,

We appreciate the opportunity to provide further details and address the concerns raised regarding our application for a Cannabis Retail store at 600 705 Main Street Airdrie. Below is a detailed explanation of how our proposed development complies with all the development standards outlined in Sections 6.6.2 and 7.18 of the Land Use Bylaw (LUB). We hope this rationale demonstrates the compatibility of our store with the surrounding land uses and mitigates any potential concerns related to its proximity to sensitive land uses, including the public library.

COMPLIANCE WITH SECTION 6.6.2 STANDARDS

- 1. Fully Enclosed Operations
 - All functions of the Cannabis retail store, including customer transactions and product storage, will
 occur entirely within a fully enclosed unit. There will be no outdoor activities related to the store's
 operations.
 - Loading and delivery will take place in a secure and discreet manner at dedicated loading areas, fully compliant with Section 6.6.2(1).
- 2. Single Use
 - The store will operate solely as a Cannabis Retail use, with no shared operations within the same space, in full compliance with Section 6.6.2(2).
- 3. Dedicated Access and Loading Areas
 - The unit has a secure and dedicated access point, ensuring separation from other units within the plaza. The loading area will be designated exclusively for the Cannabis retail store, with measures in place to prevent unauthorized access during deliveries.
- 4. No Outdoor Storage or Display
 - There will be no outdoor storage, display, or promotional activities associated with the Cannabis Retail use, aligning with Section 6.6.2(4).
- 5. Operating Hours
 - The store's operations will strictly adhere to the permitted hours of 10:00 AM to 2:00 AM, as specified in Section 6.6.2(5).
- 6. Visibility of Product
 - The design of the store will ensure that no cannabis products are visible through windows or doors. This will be achieved through strategic placement of display and storage facilities, and also frosty film ensuring compliance with Section 6.6.2(7).

ADDRESSING INTERFACE AND BUFFERING CONCERNS (SECTION 7.18)

- 1. Proximity to Sensitive Land Uses
 - While the store is located near the new public library, significant measures will be implemented to mitigate any potential land use impacts. Notably, the store is situated at the rear of the plaza, minimizing any direct interaction or visibility from the library. These measures include:
 - Enhanced signage design to ensure it is professional and understated, avoiding any visual appeal to minors or unintended audiences.
 - Frosted or covered windows to maintain privacy and prevent visibility of the interior operations.

2. Visual Impacts

- The store's exterior design will include:
 - A modern and clean façade that complements the architectural aesthetics of the plaza.
 - Professional translucent window films will obscure visibility from the outside. The location's rear placement ensures individuals must walk around the building to view the storefront, further minimizing visual impact.
- 3. Noise and Lighting Mitigation
 - Noise, by default, will be low as there will not be any retail activity outside of the unit, there will not be noise heard from outside or any adjacent units. Therefore, noise mitigation is not required.
 - Outdoor lighting will be minimal and oriented downward to avoid light spillage.
- 4. Parking and Traffic Flow
 - The store's location within the plaza provides ample parking and ensures efficient vehicle circulation without impacting neighboring businesses or sensitive uses.
 - Delivery vehicles and service vehicles will utilize designated access points at the rear of the building, separate from customer parking and access. This prevents interference with the library or other sensitive uses.
- 5. Existing Lease Commitment
 - Our lease for this unit has already commenced, and significant resources have been allocated to this location. The store's rear placement in the plaza ensures it does not interfere with or disrupt the operations of the library or other sensitive uses.
- 6. Concentration of Similar Uses
 - There are no other Cannabis Retail stores in the immediate vicinity of our location. The nearest similar use is several city blocks away, ensuring no oversaturation of cannabis-related businesses in the area.

CONCLUSION

Our proposed Cannabis Retail store is designed to fully comply with the City of Airdrie's Land Use Bylaw standards. By implementing the above measures, we believe the store will not only meet but exceed the expectations for compatibility with the surrounding area. The store's rear location within the plaza ensures minimal impact on the library and other sensitive uses. We are committed to being a responsible and respectful member of the Airdrie community, ensuring that our operations contribute positively to the neighborhood.

We kindly request that the Development Authority considers this rationale and the accompanying elevation plan (attached) in support of approving our application. Should you require any further information or clarification, please do not hesitate to contact us at anytime.

Thank you for your time and consideration.